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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

02-cr-291 ٧.

JUAN URIAS MEDINA,

Defendant.

THOMAS J. McAVOY Senior United States District Judge

DECISION and ORDER

This matter has been remanded by the Second Circuit Court of Appeals for resentencing. Defendant was originally sentenced to a term of imprisonment of 135 months. The matter was remanded for re-sentencing pursuant to United States v. Crosby, 397 F3d 103 (2d Cir. 2005).

The Court has considered the parties' briefs upon re-sentencing and the original papers submitted to the Court in connection with sentencing. Having considered the factors in 18 U.S.C. § 3553, the Sentencing Guidelines, the policy statement found at U.S.S.G. § 5K2.19, and finding no reason to depart from the Guidelines range or the policy statement at § 5K2.19, the Court finds that a sentence of 135 months imprisonment was, and remains, appropriate.

IT IS SO ORDERED.

Dated: December 29,2005

Senior, U.S. District Judge